

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

THEODORE BURR,	)	
	)	8:09CV307
Plaintiff,	)	
	)	ORDER
v.	)	
	)	
CHRIS LEGROW, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on the motion of Jeremy Jorgenson ([Filing No. 14](#)) to withdraw as counsel for the plaintiff, Theodore Burr. The plaintiff, through Mr. Joegenson, also seeks a ninety-day extension of the deadline to complete the planning report as required by Fed. R. Civ. P. 26(f). See [Filing No. 13](#). The movant states he has been unsuccessful in his attempts to contact the plaintiff regarding this case. There is no evidence the movant served a copy of the motion on Mr. Burr. The court will afford Mr. Burr an opportunity to respond to the motion and/or obtain substitute counsel. Accordingly,

**IT IS ORDERED:**

1. The plaintiff's motion for an extension of time ([Filing No. 13](#)) is granted. A deadline for the planning report will be scheduled upon resolution of Mr. Jorgenson's motion to withdraw.
2. Jeremy Jorgenson's motion to withdraw ([Filing No. 14](#)) is held in abeyance.
3. Theodore Burr shall have to **on or before December 14, 2009**, to respond to the motion to withdraw by filing a brief with the Clerk of Court. If no response is received or if substitute counsel has entered an appearance by that date, the motion to withdraw will be granted. If the motion to withdraw is granted and substitute counsel has not entered an appearance, Theodore Burr will be considered proceeding *pro se*.
4. Moving counsel shall serve a copy of this order on his client and file a certificate of such service with the court.

DATED this 12th day of November, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge